

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIMON BELSHAM,

Plaintiff,

-v-

THE HEALING COMPANY INC.,

Defendant.
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24-cv-2659 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On May 9, 2024, Plaintiff requested a certificate of default against Defendant from the Clerk of Court. Dkt. No. 8. The Clerk of Court entered the certificate of default the following day. Dkt. No. 10. Plaintiff filed a motion for a default judgment on May 15, 2024. Dkt. No. 11. Defendant subsequently appeared and filed both an opposition to the motion for default judgment and a motion to vacate the certificate of default on June 6, 2024. Dkt. No. 18.

As stated at the June 7, 2024 hearing, the Court GRANTS the motion to vacate the certificate of default and thus DENIES the motion for default judgment as moot. *See Phoenix Fashion, Inc. v. Saadia Grp. LLC*, 2024 WL 1555265, at *3 (S.D.N.Y. Apr. 10, 2024). There is no indication that Defendant's failure to appear was willful, as opposed to merely negligent. *See Kraljevich v. Courser Athletics, Inc.*, 2022 WL 3597760, at *3 (S.D.N.Y. Aug. 23, 2022). Nor has Plaintiff shown prejudice, as Defendant consents to—and the Court will require—an expedited discovery and briefing schedule. Finally, Defendant has raised what is, “at least on its face,” a meritorious defense. *United States v. Forino*, 2015 WL 13016006, at *2 (D. Conn. Oct. 28, 2015).

Accordingly, Defendant shall answer by June 11, 2024. The parties shall file a proposed case management plan on or before June 14, 2024 at 5:00 P.M. The Court will hold a telephonic initial pretrial conference on June 17, 2024 at 2:00 P.M. The parties are directed to dial into the Court's teleconference number at 888-251-2909, use Access Code 2123101, and follow the necessary prompts at that time.

The Clerk of Court is respectfully directed to close Dkt. No. 11.

SO ORDERED.

Dated: June 7, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is positioned above a horizontal line.

LEWIS J. LIMAN
United States District Judge